



AZ Republican Lawyers Association Luncheon

Remarks by Gov. Jan Brewer

Monday, February 8, 2010

Good Afternoon!

Thank you for having me and a special thanks to Councilman Bill Gates, Danny Seiden, and so many others of you who have worked hard to make this organization a reality.

Ronald Reagan liked to tell the story of Abraham Lincoln, who, as a young lawyer, once had to plead two cases in the same day before the same judge.

Both cases involved the same principle of law. But, in one, Lincoln represented the defendant – and, in the other, the plaintiff.

In the morning, Lincoln made an eloquent plea -- and won his case.

Later, he took the OPPOSITE side and was arguing just as earnestly.

The judge was puzzled, and asked why Lincoln had changed positions.

"Your Honor," said Honest Abe, "I may have been wrong this morning — but I KNOW I am right this afternoon."

Well, I am no stranger to lawsuits myself.

By the time I'm finished being Governor, I may have a record for being named a defendant in the most state and federal court legal proceedings involving a government official.

Unfortunately, this goes with the territory and I try not to take it personally.

I am proud of the positions I have taken in these various lawsuits.

For example, as the primary defendant in the lawsuits challenging the constitutionality of the voter identification law, I was able to successfully defend these laws all the way up to the U.S. Supreme Court.

As a result, our elections are among the most secure in the nation.

Although I am almost always a defendant, I had the pleasure of being a plaintiff for once in a small dispute last summer with the Arizona Legislature.

It was a case called "*Brewer v. Burns*."

Are you all familiar with it? I thought you might be.

If there is one principle that I always follow, it's doing the right thing – not the easy thing.

When the Arizona Legislature passed the budget early last June -- but refused to present it to me -- I knew, as a former legislator, that this was simply wrong. AND, unconstitutional.

Thanks to my legal team, I was proven right and the Arizona Supreme Court sided with me on EVERY point of law.

I am proud that the published decision from the Arizona Supreme Court will be part of my legacy.

More importantly, thanks to my General Counsel Joe Kanefield, this suit has also made me the current cover girl for the "*Arizona Attorney Magazine*!"

As a group of attorneys, you are probably interested in how I approach the process of judicial selection.

Historically, I have preferred a system where the Governor can appoint whomever she chooses to the bench -- so long as the person is qualified.

Having said that, the merit selection process in Maricopa and Pima Counties has worked well for me over the past year.

While my preference would be the federal model of appointing judges, I support merit selection in Arizona, and I will not lead any effort to change it.

I have been pleased with the high caliber candidates that have been forwarded to me for consideration.

The judicial screening commissions have made it very difficult at times to choose one very qualified applicant over another.

I have been in public service for 28 years and I believe I know what it takes to be a good judge.

I've seen good ones and I've seen bad ones. And, so have you.
The Arizona Constitution instructs me to disregard political affiliation when making my merit process appointments.

But, it should come as no surprise to you that I seek to appoint bright attorneys who will STRICTLY interpret the law -- as written by the Legislature -- and not allow their personal feelings about what the law SHOULD say -- to factor into their analysis.

I am very pleased with the judges I have appointed.

These include:
Justice Pelander for the Arizona Supreme Court

Judge Virginia Kelly to the Arizona Court of Appeals

Five Maricopa County Superior Court judges

One Pima County Superior Court judge,

And, appointments to fill judicial vacancies in Mohave, Yavapai, and Coconino Counties.

These individuals are outstanding and most have already proven they are excellent jurists.

I am told there will be several more vacancies throughout the State in the coming months. I would encourage this group to recruit good candidates to apply.

Please know that in my former life as your Secretary of State I saw how vitally important it was to maintain the integrity of our ballot box.

Having lawyers who are well schooled in the election laws and ballot integrity in our state is so important and I urge you to take up this important job to ensure Arizona never goes through what Florida or Minnesota have experienced.

One final suggestion for you, I know that Senator Kyl was recently here and mentioned the good work of Arizona Voice for Crime Victims and urged you to volunteer if possible to help crime victims through the ordeals of a criminal trial, I just want to echo that request.

As you know, federal health care mandates poised to hit Arizona could add a half billion dollars every year ON TOP of the mandates that already burden our state at a cost of nearly two billion dollars a year.

Attorneys General from across the country -- Republican and Democrat -- are investigating this legislation for violating the 10th Amendment.

And, I have asked our Attorney General to join forces with them. But, for some odd reason, he has resisted.

Well, if he continues to say no to this effort to defend the State of Arizona against this infringement on States rights -- I am going to say YES, and fight for what is right.

And, as I mentioned earlier, I think I have a pretty good track record in court.

One final note on health care reform. Democrats should acknowledge that without meaningful tort reform, whether in the healthcare bill or in any other bill, any alleged "reform" effort will be nothing more than a charade.

My track record in public life tells a consistent story.

I solve problems in tough times.

I tell the truth.

I am relentless in trying to do what is right.

I follow the law.

-- I've streamlined government, with efficiencies that have meant more than one billion dollars in PERMANENT budget reductions.

-- I have protected the sanctity of life -- passing abortion laws that were time and again vetoed by Governor Napolitano.

-- I have protected the rights of gun owners -- again passing laws that were blocked by those who came before me.

-- I am committed to stopping illegal immigration – I will vigorously defend our new laws to prohibit state and local governments from giving any public benefits to illegal aliens.

-- I am committed to telling it like it is – for example, bringing Christmas and Hannukah back to the Capitol.

It's my honor to serve as YOUR Governor. And, we have a lot of work to do over this new year.

I believe working together, we can get it done.

As Abraham Lincoln said, "The best thing about the future is that it comes one day at a time."

Thank you.

God bless you and your families, and God bless the great state of Arizona.